

FILED 28 JUN 11 13:35 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE

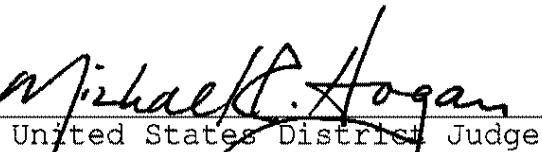
ROBERT C. CARTER II and BECKY L)
CARTER, husband and wife,)
)
)
 Plaintiffs,)
)
) Civil No. 11-6043-TC
v.)
) ORDER
RECONSTRUCT COMPANY, N.A.; BAC)
HOME LOANS SERVICING, L.P., a)
limited partnership, aka Bank)
of American Home Loans;)
MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC., a)
corporation,)
)
)
 Defendants.)
)

Magistrate Judge Thomas M Coffin has filed his Findings and
Recommendation on June 3, 2011. The matter is now before me.
See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No
objections have been timely filed. This relieves me of my

obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1982). See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Judge Coffins Findings and Recommendation. Defendants' motion to dismiss (#7) is allowed to the extent plaintiffs' complaint and the defendants are dismissed without prejudice to plaintiff to file an amended complaint within 20 days as set forth in the Findings and Recommendation. A failure to amend the complaint in 20 days will result in the dismissal of this action for failure to prosecute.

DATED this 28th day of June, 2011.



Michael J. Hogan
United States District Judge